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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,731	03/05/2002	Nobusige Arai	2936-0151P	1577
2292	7590	09/10/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			STINSON, FRANKIE L	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	

1746

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/087,731	ARAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	FRANKIE L. STINSON	1746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1, 5, 7-28 and 35-52.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,7-28 and 35-52 is/are pending in the application.
- 4a) Of the above claim(s) 24-28 and 51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7-18 and 35-44 is/are allowed.
- 6) ☒ Claim(s) 1,5,19-23,45, 50 and 52 is/are rejected.
- 7) ☒ Claim(s) 46 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

1. Claims 47-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

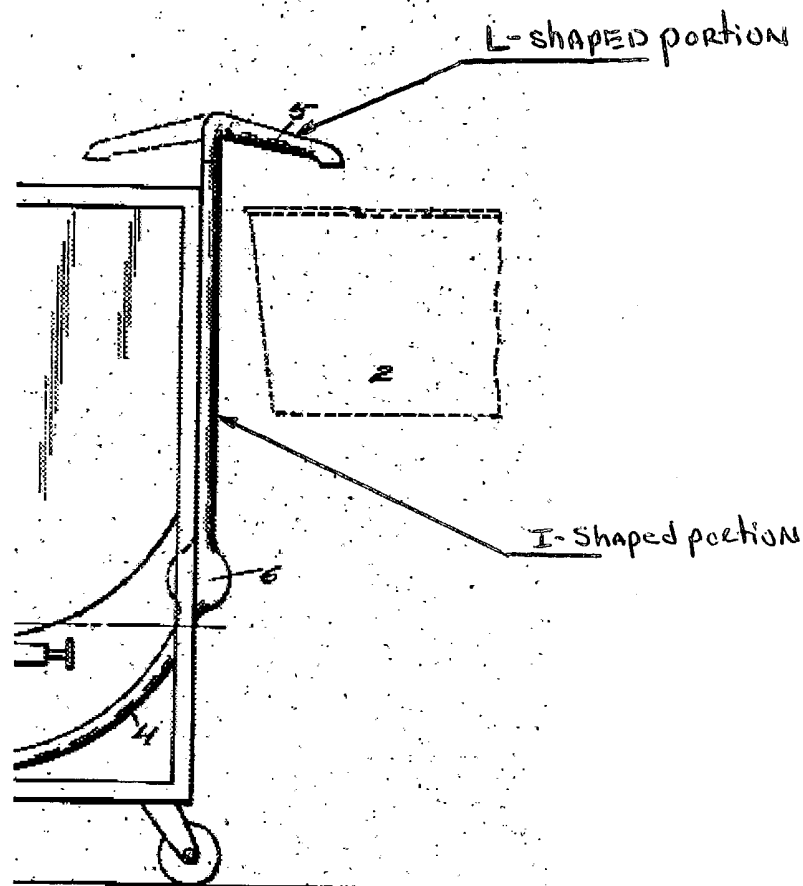
Re claim 47, line 4, the phrase "the case" is without proper antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culver in view of Japan'793.

Re claim 1, Culver is cited disclosing a washing machine having a spout/nozzle fitted to the washing machine by a first and second portion so as to be movable between an in-use position and a non-use position different from the in-use position when not in use that differs from the claim only in the recitation of the partial washing apparatus fitted to the machine by a first and second portion coupled by a ball member. Japan'793 is cited disclosing in a washing machine a partial washing apparatus washing dirt from articles by means of supersonic vibrations. Therefore, given the teachings of Japan'793, it would have been obvious to one having ordinary skill in the art to modify the spout of Culver to be a partial washing apparatus for removing dirt by supersonic vibrations as taught by Japan'793, for the purpose of pre-treating particularly soiled portions of (laundry) articles. As for the first portion and second portion being coupled by a ball member to place the partial washing apparatus in an in-use position and a not-in-use



position, please note the use of a ball member is deemed to be a functional equivalent of the swivel joint in Culver (see MPEP 211.06, "SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE"). Re claim 52, Culver discloses the substantially L-shaped and I-shaped portions (see notations in the figure above).

4. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan'793 in view of Rose, Leonhardt et al. or Satoh et al..

Re claim 19, Japan'793 is cited disclosing a washing machine having a washing tub in which to put an article be washed and comprising:

a partial washing apparatus (12, 23) apparatus that removes dirt from the article to be by means of supersonic vibration,

wherein the washing liquid is functional water that differs from the claim only in the recitation of the functional water being obtained by a functional water apparatus such that it offers higher detergent solubility or higher supersonic transmission. Rose, Leonhardt and Satoh are each cited disclosing a washing machine including a functional water apparatus (16 in Rose, 1 in Satoh and see col. 6, lines 3-7 in Leonhardt), which obtains functional water such that it offers higher detergent solubility or higher supersonic transmission. It therefore would have been obvious to one having ordinary skill in the art to modify the washing machine of Japan'793 to include a functional water apparatus as taught by Rose, Leonhardt or Satoh, for the purpose of enhancing the washing process. Re claims 20, Satoh discloses the electrolyzing of the tap water. Re claim 21, Rose discloses the soft water by removing hard-water contents. Re claim 22, Leonhardt discloses the functional being obtained by degassing the water.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 19 above, and further in view of Japan 1-213458. Claim 23 defines over the applied prior art only in the recitation of the partial washing apparatus including a vibration horn. Japan'458 disclosing a partial washing apparatus comprising a vibration horn (18). It therefore would have been obvious to one having ordinary skill in the art to modify the partial washing apparatus of Japan'793, to include a vibration horn as taught by Japan'458, for the purpose of intensifying the cleaning process.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 45 and 50 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Blustain.

Re claim 45, Blustain is cited disclosing a washing apparatus (10) comprising:

a supersonic wave generator (68);

a supersonic vibration horn (82) for amplifying supersonic vibrations, the supersonic vibration horn having a slit (space between 32 and 100) formed in a lower portion thereof so as to permit an article (18) to be washed by the washing apparatus to be inserted in the slit. Re claim 50, Blustain discloses the washing liquid being feed to the slit (as at 36).

8. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blustain in view of Strohmaier.

Claim 47 defines over Blustain only in the recitation of the slit being formed by an upper cover and lower cover constituting a case. Strohmaier is cited disclosing the cover as claimed (see fig. 4, with the slit as at 58) although in a different orientation. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Blustain, to include a case as taught by Strohmaier, for the purpose of concentrating the treatment of the vibrations and fluid application.

9. Claims 5, 7-18 and 35-44 stand allowed.

10. Claim 46 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 48 and 49 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Applicant's arguments with respect to claims 1, 7-52 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Barker, Seery et al., Cannizzaro, Krist, Thomas, Gardner et al., Leuenberger, Benson, Rosenblum et al., and Japan'097, note the cleaning means.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls

  
FRANKIE L. STINSON  
Primary Examiner  
Art Unit 1746